

01-08-2007 18:39

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Name: Thomas H. Martin

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Phone No.: 330-877-2277

Fax No.: 571-273-8300

No. of Pages (including this): 8

Subject: Request for Certificate of Correction
U.S. Patent No. 7,137,984

Date: January 8, 2007

Issued: November 21, 2006

Gary K. Michelson

SINGLE-LOCK ANTERIOR CERVICAL PLATE

AND METHOD

Attorney Docket No.: 101.0056-16000

Customer No. 22882

Confirmation Copy to Follow: No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Request for Certificate of Correction with 1 sheet of Form PTO-1449 (in duplicate) and 3 sheets of supporting documents are being facsimile transmitted to the U.S. Patent and Trademark Office on January 8, 2007.



Sandra L. Blackmon

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PATENT
Attorney Docket No. 101.0056-16000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent of:)
Gary K. Michelson) (Serial No.: 10/664,776)
Patent No.: 7,137,984)
Issue Date: November 21, 2006) (Filed: September 17, 2003)
For: SINGLE-LOCK ANTERIOR)
CERVICAL PLATE AND METHOD)

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one (1) page.

The mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent, and as evidenced in the attached copies of the following documents:

1. Page 2 of the Form PTO-1449 submitted with the IDS dated September 17, 2003, showing the correct spelling of an Author's name;
2. Page 4 of the May 15, 2006 Amendment, showing the correct language of issued claim 2 (pending claim 9) and issued claim 9 (pending claim 16); and
3. Page 6 of the May 15, 2006 Amendment, showing the correct language of issued claim 22 (pending claim 29).

Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: January 8, 2007

By:



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PTO/SB/44 (04-05)
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,137,984
APPLICATION NO. : 10/664,776
ISSUE DATE : November 21, 2006
INVENTOR(S) : Gary K. Michelson

Page 1 of 1

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page, Section (56) References Cited:

Page 2, OTHER PUBLICATIONS, line 7: change "Barton" to -- Berton --.

Column 30, Line 43:

Change "rocking" to -- locking --.

Column 31, Line 5:

Change "en outer" to -- an outer --.

Column 32, Line 33:

Change "morpho-" to -- morpho--.

Mailing Address of Sender:
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PATENT NO. 7,137,984

PTO/SB/44 (04-05)
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PATENT NO. 7,137,984

<i>DR</i>	5,676,666	10/1997	Oxland et al.			
	5,676,703	10/1997	Gelbard			
	5,735,853	04/1998	Olerud			RECEIVED CENTRAL FAX CENTER
	5,766,254	06/1998	Gelbard			<i>JAN 08 2007</i>
	5,876,402	03/1999	Errico			
	5,876,446	03/1999	Agrawal et al.			
<i>DR</i>	5,954,722	09/1999	Bono			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
<i>DR</i>	DE 4409833	10/1995	Germany			Abstract Only
	DE 4414781	11/1995	Germany			U.S. Equivalent US 5,662,652
	WO 94/17744	08/1997	WIPO			N/A
	WO 94/26193	11/1994	WIPO			N/A
	WO 95/35067	12/1995	WIPO			N/A
	WO 96/08206	03/1996	WIPO			N/A
<i>DR</i>	EP 1 106 144	05/2001	Europe			N/A

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>DR</i>	Advertisement for Codman Anterior Cervical Plate System by Codman; Johnson & Johnson; Professional, Inc.; undated.
	AESCLAP Scientific Information Booklet; <u>Anterior Cervical Fusion and Interbody Stabilization with the Trapezial Osteosynthetic Plate Technique</u> by Wolfhard Casper; 2/86.
	Article from Plastic and Reconstructive Surgery: <u>Comparison of Compressive and Torque Measurements of Self-Tapping and Pretapped Screws</u> by John T. Phillips, M.D., F.R.C.S. (C) and Berton A. Rahn, M.D., D.D.S.; 3/89.
	Article from The Journal of Prosthetic Dentistry: <u>Bone-implant interface structures after nontapping and tapping insertion of screw-type titanium alloy endosseous implants</u> by Keiichi Satomi, D.D.S., Yasumasa Akagawa, D.D.S., Ph.D.; and Hiroshima Tsuru, D.D.S., Ph.D.; 3/88; Volume 59, No. 3.
	Brochure by SYNTHES Spine for Cervical Spine Locking Plate; 1991.
	ORION Brochure; <u>Anterior Cervical Plate System</u> . Surgical Technique, as described by Gary L. Lowery, M.D., Ph.D.; 1996.
<i>DR</i>	CODMAN Brochure; <u>Anterior Cervical Plate System</u> ; 9/1995.

EXAMINER

DATE CONSIDERED

3/14/02

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 809; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Application No. 10/664,776
Amendment dated May 15, 2006
Reply to Office Action of November 14, 2005

9. (new) The plate system of claim 8, wherein said opening has a maximum inner diameter that is greater than one-half the outer diameter of said locking element, the maximum diameter of said opening of said locking element being adapted to receive a portion of said head of said single bone screw.
10. (new) The plate system of claim 8, wherein said locking element has a top surface that is at least in part arcuate in a plane parallel with the central longitudinal axis of said locking element.
11. (new) The plate system of claim 10, wherein said top surface of said locking element projects from said upper surface of said plate when fully engaged thereto.
12. (new) The plate system of claim 8, wherein at least one of said bone screw receiving holes is configured to retain the entire head of said single bone screw above said lower surface of said plate.
13. (new) The plate system of claim 8, wherein the central longitudinal axis of said locking element is coaxial with the central longitudinal axis of said single bone screw.
14. (new) The plate system of claim 8, wherein said head of said single bone screw includes a tool-engaging recess having a maximum dimension transverse to the central longitudinal axis of said single bone screw, the maximum transverse dimension of said tool-engaging recess spanning said opening of said locking element when said single bone screw is inserted into one of said bone screw receiving holes and said locking element covers a portion of said single bone screw.
15. (new) The plate system of claim 8, wherein said locking element fixes the position of the central longitudinal axis of said single bone screw relative to said plate.
16. (new) The plate system of claim 8, wherein said head of said single bone screw includes an outer side surface with a flat portion along at least a portion of the

Application No. 10/664,776
Amendment dated May 15, 2006
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inserting at least in part into the plate a locking element adapted to lock only a single bone screw to the plate, the locking element having a central longitudinal axis;

positioning the plate against at least a portion of the anterior aspect of the vertebral bodies to align at least one of the bone screw receiving holes with a respective one of the adjacent vertebral bodies; and

inserting a bone screw having a head having an upper facing surface into a position in one of the bone screw receiving holes that permits the locking element to cover a portion the upper facing surface of the head of the bone screw after the bone screw has been inserted into the plate, the step of inserting the bone screw being performed after the step of inserting the locking element.

25. (new) The method of claim 24, further comprising the step of locking the bone screw to the plate with the locking element.
26. (new) The method of claim 25, wherein the locking element has a bottom with a cross section transverse to the central longitudinal axis of the locking element, the step of locking being performed while maintaining a constant cross section at the bottom of the locking element.
27. (new) The method of claim 24, wherein the step of inserting the locking element at least in part into the plate is performed without threading the locking element into the plate.
28. (new) The method of claim 24, further comprising combining the plate with a bone growth promoting material.
29. (new) The method of claim 28, wherein the bone growth promoting material includes at least one of bone morphogenetic protein, hydroxyapatite, and hydroxyapatite tricalcium phosphate.

JAN 16 2007